

Approved.

/s/ Benita Y. Pearson on 6/9/2023

United States District Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION, YOUNGSTOWN**

IN RE: EAST PALESTINE TRAIN DERAILMENT

CASE NO. 4:23-CV-00242-BYP
JUDGE BENITA Y. PEARSON

**STIPULATION EXTENDING THE TIME FOR DEFENDANTS TO RESPOND AND/OR
OBJECT TO PLAINTIFFS' MAY 23, 2023
REQUESTS FOR PRODUCTION OF DOCUMENTS**

Plaintiffs in the above-captioned action, and Defendants, Norfolk Southern Railway Company and Norfolk Southern Corporation (collectively “Norfolk Southern”), submit this joint stipulation:

WHEREAS, on May 23, 2023, Plaintiffs served Norfolk Southern with Requests for Production of Documents (Liability – Set I), comprising 126 requests, and Requests for Production of Documents (Environmental – Set I) (collectively the “Requests for Production”), comprising 94 requests;

WHEREAS, under Fed. R. Civ. P. 34(b)(2)(A), Norfolk Southern’s responses and/or objections to the Requests for Production are due on June 22, 2023;

WHEREAS, on May 26, 2023, Norfolk Southern requested a 45-day extension of time, until August 7, 2023, to provide its written responses and/or objections to the Requests for Production;

WHEREAS, between May 31 and June 7, 2023, the parties met and conferred regarding the Requests for Production and Norfolk Southern’s request for an additional 45 days in which to respond and/or object; and

WHEREAS, pursuant to the meet and confer process, the parties have reached an agreement on the contours and conditions of an extension of time for Norfolk Southern to respond and/or object to the Requests for Production.

NOW, THEREFORE, IT IS HEREBY STIPULATED PURSUANT TO FED. R. CIV. P. 29 and 34(b)(2)(A) THAT:

1. Norfolk Southern shall have until June 29, 2023, to raise any objections to the Requests for Production that relate solely to National Transportation Safety Board (“NTSB”) privilege or prohibition on disclosure, whether made pursuant to 49 C.F.R. 831.13 or otherwise. Such objections shall be made formally pursuant to Fed. R. Civ. P. 34.

2. Norfolk Southern shall thereafter have until August 7, 2023, to respond to the Requests for Production and raise any objections not related to NTSB privilege or prohibition on disclosure, whether made pursuant to 49 C.F.R. 831.13 or otherwise. Such responses and objections shall be made formally pursuant to Fed. R. Civ. P. 34.

3. Norfolk Southern shall make its first production of documents responsive to the Requests for Production on August 7, 2023.

4. The parties shall begin meeting and conferring by no later than July 17, 2023, to develop a definitive schedule for future rolling productions of documents made by Norfolk Southern to follow the August 7, 2023 production, including a date for substantial completion of Norfolk Southern’s production.

IT IS SO STIPULATED.

Dated: June 8, 2023

Respectfully submitted by:

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